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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

TRADE AND MERCHANDISE MARKS

New Delhi, the 21st August, 1961

S.O. 1981.—The following draft of certain further amendments to the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 3093, dated the 23rd December, 1960, which the Central Government proposes to make in exercise of the powers conferred by sub-sections (1) and (3) of section 117 of the Trade and Merchandise Marks Act, 1958, (43 of 1958), is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 21st September, 1961.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

In the said notification—

- (1) wherever the words “made or produced”, or “manufactured”, or “produced” occur, the words “made or manufactured or produced” shall be substituted;
- (2) in paragraph 1,—
 - (i) in sub-paragraph (1),—
 - (a) for the words “on importation and at the time of sale”, the words “on importation into and at the time of sale in India” shall be substituted;
 - (b) in clause (a), for the words “an indication of the country”, the words “where such goods are made or manufactured or produced beyond the limits of India, an indication of the country” shall be substituted;
 - (ii) in sub-paragraph (2), for the words “in one country”, the words “in one foreign country” shall be substituted;
 - (iii) in sub-paragraph (3),—
 - (a) the words ‘or wholly’ shall be omitted;

(b) for the words "in one country", the words "in one foreign country" shall be substituted;

(c) the word 'shall' shall be substituted for the word 'may';

(3) *in paragraph 2,—*

(i) in the heading, after the words "processed in India", the words "or assembled in India with wholly or partly foreign parts" shall be inserted;

(ii) in sub-paragraph (1), after the word 'sale', the words "in India" shall be inserted;

(iii) after sub-paragraph (1), the following sub-paragraph and Explanation shall be inserted, namely:—

"(1A) Where such goods are made or manufactured or produced in India solely from foreign ingredients or partly from foreign ingredients and partly from indigenous ingredients, the indication of the country of origin to be applied to the goods shall be "Made in India.

Explanation.—The expression "made or manufactured or produced in India" shall not include mere packing, embellishing, mixing, bottling, labelling, making into tablets or filling ampules or otherwise processing of the imported goods which involves no substantial change in the character or nature of the product."

(iv) in sub-paragraph 2,—

(a) for the words "packed or" occurring for the first time, the words "packed, embellished, mixed, bottled, labelled, tableted or filled in ampules or" shall be inserted;

(b) after the words "as the case may be", the words "or other suitable words properly describing the treatment or change effected in India on the imported goods" shall be inserted;

(v) in sub-paragraph (3), for the words "Made from foreign ingredients and processed in India", the words "processed in India" shall be substituted;

(4) *in paragraph 3*, in sub-paragraph (2), after the words "one of the languages" the words "and in the same characters" shall be inserted;

(5) *in paragraph 5*, for clause (f), the following clause shall be substituted, namely:—

"(f) goods of all kinds manufactured in India solely for export";

(6) *in the Schedule,—*

(i) in item 24 of Part I, for the entry in column 2, the following shall be substituted; namely:—

"All other imported goods which bear or purport to bear,—

(a) any name, or word or trade description; or

(b) any device, such as representations of Indian deities or emblems, which is likely to cause it to be believed that the goods are made or manufactured or produced in India";

(ii) in the heading of Part II, for the words "processed in India" substitute "processed or assembled in India".

[No. 3(1)-TMP/61.]

K. V. VENKATACHALAM, Joint Secy.